IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 15786 of 2004

AND

WRIT PETITION NO.15839 OF 2004.

-

-

WRIT PETITION NO. 15786 OF 2004:

-

-

Between:

Smt. P.S. Manjula Kumar, W/o. Ravi Kumar,
R/o. Plot No. No. 4, Road No. 4, Sainagar, Nagole, R.R. District.

..... PETITIONER

AND

1 The Secretary, Ministry for Information and Broadcasting, Govt. of India, New Delhi.
2 The Regional Officer I & B, Regional Censor Board O/o. Censor Board, Lakdikapool, Hyderabad.
3 The President, Producer's Council Film Chambers of Commerce Film Nagar, Jubilee Hill, Hyderabad.
4 The Commissioner of Police, Hyderabad City, O/o. Basheerabagh, Hyderabad.
5 Boinapally Srinivas Rao, S/o. Not known to the petitioner, R/o. Prathima Films, Behind Taj Krishna, Erramanil, Hyderabad.
6 Ramgopal Varma, S/o. Not Known to the Petitioner, R/o. Jubilee Hils, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more specifically one in the nature of Writ of Mandamus declaring the actions of the respondent Nos. 1 and 2 in allowing the movie released with the present caption and title as illegal and also violative of constitution of India and against the interest of public and society.

Counsel for the Petitioner : MR.K.V.R.PRASAD

Counsel for the Respondent No.1 and 2: MR.A RAJASHEKAR REDDY (SC FOR CG)

Counsel for the respondent No.4: G.P. for Home.

Counsel for the respondent Nos.3 and 6: None appeared.

Counsel for the respondent No.5: Mr. J. Ramachandra Rao.

WRIT PETITION NO : 15839 of 2004

Between:

All India Democratic Women's Association (AIDWA), Hyderabad Committee, rep. by its President,
T. Jyothi, having its office at 1-7-144, Golkonda X Roads, Hyderabad.

..... PETITIONER

AND

1 The Regional Censor Board Officer, Central Film Censor Board, A.C. Guards, Hyderabad.

2 Ram Gopal Varma, Cinema Producer, The Factory,
Varsova, Mumbai.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the first respondent in issuing certificate to the second respondent for the film namely " Madhyanam Hathya" as illegal and contrary to the protective rights provided by the constitution for the women and consequently set aside the certificate issued by the first respondent in favour of the second respondent for the film namely "Madhyanam Hathya".

Counsel for the Petitioner:MR.V.RAGHU

Counsel for the Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the respondent No.2: None appeared.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

…..

1. W.P.No.15786 has been filed by Smt. P.S. Manjula Kumar, a practicing Advocate of this Court, stated to be concerned with the welfare of the women and their marital conditions. Petition is filed in public interest seeking a writ to declare the action of respondent No.5 in allowing the movie with caption "MADYAHNAM HATHYA" to be released. The ground being that there are certain captions in the title, like, "Meekeppudaina mee bharya chachchipothey baagundanipinchinda", which are insulting the women and are also against the norms of respect towards the women. Title of the film "MADYAHANAM HATHYA" would mean "Afternoon Murder" and the objectionable caption "Meekeppudaina mee bharya chachchipothey baagundanipinchinda" will mean 'did you ever feel good in case your wife dies?' Petitioner alleged that in the present day society certification of such film with objectionable caption is contrary to the provisions of law relating to public order and decency.

2. W.P.No. 15839 of 2004 filed by All India Democratic Women's Association, Hyderabad Committee is also questioning the action of the respondents in issuing certificate for the film in question. It is alleged that certain scenes in the film are highly objectionable. Film has been produced, in a manner, encouraging domestic violence. Clippings of the film produced suggest that the husband used to get a feeling that his wife must die. Clippings further suggest that if wife questions the irresponsible attitude of the husband, he will get a feeling of doing away with the life of the wife. The manner and method of picturisation of assassination of wife by her own husband is very wild which cannot be imagined in a civilized society.

3. When W.P.No.15786 of 2004 had come up for hearing, learned counsel for 5th respondent – Producer of the Film made available copy of certificate issued by the Central Board of Film Certification dated 30.08.2004. Board certified the film “Madhyahnam Hathya” in Telugu for unrestricted public exhibition. Certificate dated 30.08.2004 also directs modification by deleting the word ‘Chachchipothey’ from the caption “Meekeppudaina mee bharya chachchipothey baagundanipinchinda”. The caption now reads as “Meekeppudaina mee bharya baagundanipinchinda”.

4. The Division Bench felt that respondents 5 and 6 cannot be allowed to utilise the Title/Sub-Title as “Meekeppudaina mee bharya chachchipothey baagundanipinchinda”. All the publicity material including the posters with that caption are required to be removed. Undertaking was given by 5th respondent to get all publicity material removed containing the title “Meekeppudaina mee bharya chachchipothey baagundanipinchinda” within one week. On failure to do so, the 4th respondent – Commissioner of Police was directed to take appropriate steps to ensure that the publicity material and its display is in conformity with the certificate issued by the Censor Board.

5 . Today, 5th respondent has shown us a letter addressed to the Commissioner of Police stating that respondent No.5 has duly complied with the undertaking. Further, as a precautionary measure, a request was made to the Commissioner of Police that in case if Commissioner receives any complaint on any left over publicity that offending caption still exists, due intimation be given to 5th respondent so that prompt action is taken for its removal/erosion.

6. On removal of the objectionable title by respondent No.5, the only question now remains to be considered would be the other objections as regards certain scenes in the film which are alleged to be against the public order, decency or morality, for which we are of the view that it will be but appropriate for the petitioners to approach respondent - Censor Board with their complaints in detail. There is no manner of doubt that in case such complaints are made in the light of Rule 32 of Cinematograph (Certification) Rules, 1983, the Board will have to forward the same to Central Government and the Central Government may, if it considers it necessary so to do, direct the Chairman to re-examine any film, in respect of which a complaint has been received by it directly or through the Board, in such manner and with such assistance as may be specified in the direction. We direct that in case any complaint is made by petitioners to respondent – Censor Board, within two weeks from the date of receipt of complaint the respondent – Board shall forward the same to the Central Government for appropriate decision thereupon in accordance with law. In case ultimately it is found that objections have some substance, powers of revision will be exercised in accordance with law.

7. With the above observations, writ petitions stand disposed of. No costs.

_____

DEVINDER GUPTA. C.J.,

_____

C.V. RAMULU. J.,

Dated: 14.09.2004.

VRK.

Note:

Furnish cc in two days.

(BO)

To

1 The Secretary, Ministry for Information and Broadcasting, Govt. of India, New Delhi.
2 The Regional Officer I & B, Regional Censor Board O/o. Censor Board, Lakdikapool, Hyderabad.
3 The President, Producer's Council Film Chambers of Commerce Film Nagar, Jubilee Hill, Hyderabad.
4 The Commissioner of Police, Hyderabad City, Basheerabagh, Hyderabad**.**

5. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

7. The Regional Censor Board Officer, Central Film Censor Board, A.C.Guards, Hyderabad.